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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/380,739 | 12/15/1999 | Josef Otto Rettenmaier | 017309/0172 | 3016 |

23416 7590 10/29/2002

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EXAMINER

DOUYON, LORNA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1751

DATE MAILED: 10/29/2002

26

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/380,739

Applicant(s)

RETTENMAIER ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-27 is/are rejected.
- 7) ☒ Claim(s) 10, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 23.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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1. This action is responsive to the amendment filed on August 6, 2002.
2. The cancellation of claim 18 is acknowledged. Claims 1-17, 19-27 are pending.
3. The objection to the disclosure is withdrawn in view of applicants' amendment.
4. The rejection of claims 16-27 under 35 U.S.C. 112, first paragraph is withdrawn in view of applicants' amendment.
5. The rejection of claims 2, 15, 19, 23 and 25 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
6. The rejection of claims 16-17, 21 and 26 under 35 U.S.C. 102(b) as being anticipated by Boeck et al. (DE 2321693) is withdrawn in view of applicants' amendment.
7. The rejection of claims 16-17, 21 and 26 under 35 U.S.C. 102(b) as being anticipated by JP 62197497 is withdrawn in view of applicants' amendment.

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8. The rejection of claims 1-7, 11-17, 19-21 and 24-27 under 35 U.S.C. 103(a) as being unpatentable over Fry et al. (US Patent No. 5,360,567), hereinafter "Fry" is withdrawn in view of applicants' amendment.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 12, 21, 23 and 25 are objected to because of the following informalities:

In claim 12, line 3 "from" should read as "form".

In claims 21 and 23, "wt% by weight" is redundant.

In claim 25, line 2, "of" before "cellulose" should be deleted.

Appropriate correction is required.

11. Claims 1-9, 11-17, 19 -22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wixon (US Patent No. 4,230,590) in view of Fry.

Wixon teaches a heavy duty detergent composition comprising by weight from about 9 to 40% of water soluble, non-soap, organic surfactant, from about 10 to 60% of water soluble, neutral to alkaline builder salt, from about 2 to 20% water soluble or dispersible fatty acid soap-cellulose ether mixture preferably in spaghetti-like or other shaped, discrete form, the soap being at least above about 50% of the soap-cellulose ether mixture, and from about 2 to 20% of cationic

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softener, wherein the soap cellulose ether mixture is substantially homogeneously dispersed in said composition preferably as discrete particles (see col. 2, line 48 to col. 3, line 4). Wixon also teaches that the soap is used with a minor quantity of cellulose ether i.e. no more than 45% of the latter and preferably about 5-10% based on the total soap-cellulose ether admixture for incorporation into the final detergent composition (see col. 5, lines 35-41). The soap and cellulose ether may first mixed in the desired amounts to form a substantially homogeneous mass which can be worked, according to well known technique, until it is sufficiently "doughy" or plastic to be in suitable form, preferably, extrusion or other process e.g. pelleting, granulation, stamping, pressing and roll milling to form shapes such as spaghetti or noodles, flakes, tablets, pellets, ribbons, threads and the like (see col. 5, lines 54-68). With the mixing of the soap and the minor quantity of the cellulose ether, the cellulose ether would have been substantially coated by the soap. The spaghetti should have an average length from about 2 to 20 mm and an average diameter or width from about 0.2 to 2.0 mm and a bulk density from about 0.2 to 0.8 g/cc (see col. 6, lines 9-20). Wixon also teaches additional optional ingredients like water soluble and/or dispersible hydrophobic colloidal cellulosic soil suspending agent which may be desired in addition to that included in the soap-cellulose ether mixture in amounts up to about 4% based on total detergent composition (see col. 9, lines 18-28). Wixon, however, fails to disclose (a) a heavy duty detergent composition in a detergent compact or tablet form and (2) the cellulose being thermo-mechanical pulp or chemo-thermo-mechanical pulp.

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Fry teaches a similar heavy duty detergent composition in tablet form wherein the tablet form offers several advantages over powdered products in that the tablet does not require measuring and are thus easier to handle and dispense into the washload, and that the tablet is more compact, hence facilitating more economical storage (see col. 1, lines 13-19; col. 6, lines 56-61). Fry also teaches the equivalency of celluloses and cellulose derivatives (see col. 5, line 68 to col. 6, line 5).

With respect to difference (1), it would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the heavy duty detergent composition of Wixon in tablet form because the tablet form offers several advantages over powdered products in that the tablet does not require measuring and are thus easier to handle and dispense into the washload, and that the tablet is more compact, hence facilitating more economical storage as taught by Fry.

With respect to difference (2), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected thermo-mechanical pulp or chemo-thermo-mechanical pulp as the specific cellulose because Fry specifically disclose the binder/disintegrant to be celluloses or cellulose derivatives and said pulps are specific cellulose derivatives.

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12. Claims 10 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

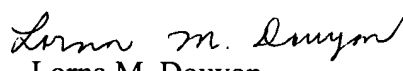
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

October 24, 2002


Lorna M. Douyon
Primary Examiner
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